IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 9081 of 2007(F)

PETITIONER:

K.K.IBRAHIMKUTTY, AGED 47,
S/O. KHALID, ARAKKAL HOUSE, AZHEEKODE,
KODUNGALLUR.

BY ADV. SRI.P.GOPALAKRISHNA MENON
SRI.M.JITHESH MENON

RESPONDENTS:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 9081 of 2007(F)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE APPLICATION FOR REGULAR PERMIT FILED BY THE PETITIONER IN THE PRESCRIBED FORM P.St.S.A. DATED 27.1.2006

EXHIBIT-P2: TRUE COPY OF THE COVERING LETTER FILED BY THE PETITIONER DATED 27.1.2006

EXHIBIT-P3: TRUE COPY OF THE NOTIFICATION DATED 17-6-2006

EXHIBIT-P4: TRUE COPY OF THE JUDGMENT IN W.P. (C) NO.13028/06 DATED 16-6-06

EXHIBIT-P5: TRUE COPY OF THE ORDER OF THE REGIONAL TRANSPORT AUTHORITY DATED 26.9.2006

EXHIBIT-P6: TRUE COPY OF THE LETTER OF THE PETITIONER DATED 12.1.2007

EXHIBIT-P7: TRUE EXTRACT OF THE REGISTRATION PARTICULARS IN RESPECT OF KL-47/2051

EXHIBIT-P8: TRUE COPY OF THE NOTICE DATED NIL FOR TIMING CONFERENCE TO BE HELD ON 1.3.2007

/TRUE COPY/

ANTONY DOMINIC,J.

W.P (C) No.9081 of 2007

Dated this the 6th day of September, 2007

J U D G M E N T

By Exhibit-P1 application of the petitioner for grant of regular permit in respect of Stage Carriage KL-17/A 1438 or a suitable vehicle to operate in the route indicated therein was granted subject to settlement of timings. Subsequently, by Exhibit-P6 petitioner produced documents in relation to KL-47/2051 for issuing permit as ordered in Exhibit-P5. Exhibit-P7 is the certificate of registration of the vehicle mentioned in Exhibit-P6. Thereafter, though timing conferences were scheduled for settlement of timings, the same has not been done.

2. In the counter affidavit filed by the respondent the only reason stated is that the petitioner was not the registered owner of the Stage Carriage KL-17-A-1438 mentioned in Exhibit P5. Since for issuing a regular permit as ordered in Exhibit-P5 possession of the vehicle is not mandatory, the reason stated by the respondent in the counter affidavit is unacceptable. Therefore, I dispose of this writ petition directing the respondent to issue regular permit to the petitioner in respect of KL-47-

2051 in the route mentioned in Exhibit-P5 with the timings also settled for said route, as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the respondent, for compliance.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007